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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 THE BANK OF NEW YORK MELLON FKA  
9 THE BANK OF NEW YORK AS TRUSTEE  
10 FOR THE CERTIFICATEHOLDERS CWALT,  
11 INC. ALTERNATIVE LOAN TRUST 2005-  
12 3CB MORTGAGE PASS-THROUGH  
13 CERTIFICATES, SERIES 2005-3CB,

14 Plaintiff,

15 vs.

16 HIGHLAND RANCH HOMEOWNERS  
17 ASSOCIATION; KERN & ASSOCIATES,  
18 LTD; TBR 1, LLC; AIRMOTIVE  
19 INVESTMENTS LLC; DOE INDIVIDUALS I-  
20 X inclusive, and ROE CORPORATIONS I-X,  
21 inclusive,

22 Defendants.

Case No.: 3:16-cv-00436-RCJ-WGC

**ORDER TO CONTINUE JULY 6, 2020  
CALENDAR CALL AND JULY 20,  
2020 TRIAL DATE**

23 The Bank of New York Mellon fka The Bank of New York as Trustee for the  
24 Certificateholders CWALT, Inc., Alternative Loan Trust 2005-3CB Mortgage Pass-Through  
25 Certificates, Series 2005-3CB, Highland Ranch Homeowners Association (“Highland Ranch”),  
26 and Airmotive Investments, LLC, by and through their undersigned counsel, hereby stipulate and  
27 agree to continue the current trial date of July 20, 2020 and corresponding calendar call (set for  
28 July 6, 2020), until the earliest available date the Court has beginning on September 20, 2020.

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1           The parties have completed discovery and now request this continuance based upon the  
2 multiple competing deadlines the undersigned have set in their other cases,<sup>1</sup> as well as in light of  
3 the parties' competing motions for summary judgment (ECF Nos. 86, 87) now pending before  
4 the Court, a decision on which stands to substantially narrow the issues for trial, if not do away  
5 with the need for trial altogether. The parties further submit that due to restrictions imposed  
6 upon them and their counsel as a result of the COVID-19 pandemic, including restrictions related  
7 to child care, travel, client access, and office access, the parties and their counsel's ability to  
8 prepare for trial is inhibited. Accordingly, the parties submit that a brief continuance of the trial  
9 date and corresponding calendar call by two to three months will better allow them and their  
10 counsel to prepare for trial, while simultaneously saving the parties and Court substantial time by  
11 allowing them to focus solely on those issues, if any, that might remain following a decision on  
12 the pending motions for summary judgment.

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27 1       These deadlines include a trial that Highland Ranch' counsel is preparing for in the  
28 Second Judicial District Court for the State of Nevada, that is set to commence on July 7, 2020  
and which will at a minimum, interfere with preparation for, if not overlap with, the trial of this  
matter.

1 This is the parties' first request for a continuance of the trial date and calendar call date  
2 and is not intended to cause any delay or prejudice to any party.  
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16 **ORDER**

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17 **IT IS HEREBY ORDERED** that the Stipulation and Order to Continue July 6, 2020  
18 **Calendar Call and July 20, 2020 Trial Date (ECF No. 114) is GRANTED.**

19 **IT IS FURTHER ORDERED** that the Calendar Call currently set for July 6, 2020 is  
20 **VACATED and RESCHEDULED to 10:00 A.M., Tuesday, September 8, 2020, in Reno**  
**Courtroom 3, before Judge Robert C. Jones.**

21 **IT IS FURTHER ORDERED** that the Jury Trial currently set for July 20, 2020 is  
22 **VACATED and RESCHEDULED to 8:30 A.M., Monday, September 21, 2020, in Reno**  
**Courtroom 3, before Judge Robert C. Jones.**

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24 **IT IS SO ORDERED:**

25   
26 **UNITED STATES DISTRICT COURT JUDGE**

27 **DATED: June 1, 2020.**  
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